

Falls Church, Virginia 22041

File: D2012-166

Date: AUG 28 2012

In re: EUGENE E. CHMURA, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Jennifer J. Barnes, Disciplinary Counsel

ON BEHALF OF DHS: Jenny C. Lee
Associate Legal Advisor

The respondent will be indefinitely suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS").

On July 12, 2012, the Disciplinary Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts, based on restrictions on the respondent's ability to practice law in Pennsylvania, New York and New Jersey.

The EOIR Disciplinary Counsel presents a "Certification" from the Attorney Registrar for the Disciplinary Board of the Supreme Court of Pennsylvania. She states that the respondent was transferred to inactive status by order of the Pennsylvania Supreme Court on November 17, 2000, and on September 1, 2010, was administratively suspended.

The EOIR Disciplinary Counsel also presents a record from the New York State Unified Court System, Office of Court Administration, Attorney Registration Unit, certifying that the respondent is in delinquent registration status in New York.

The EOIR Disciplinary Counsel also presents a New Jersey Courts Attorney Index record showing that the respondent is administratively ineligible to practice law in New Jersey.

The DHS then asked that the respondent be similarly suspended from practice before that agency. Therefore, on July 25, 2012, the Board suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but has failed to do so. *See* 8 C.F.R. § 1003.105 (2012); 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012). The respondent's failure to file a response within the time period prescribed in the Notice constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. 8 C.F.R. § 1003.105(2012); 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012).

The Notice proposes that the respondent be indefinitely suspended from practicing before the Board and the Immigration Courts. Because the respondent has failed to file an answer, the regulations direct the Board to adopt the proposed sanction contained in the Notice, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(2012); 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012).

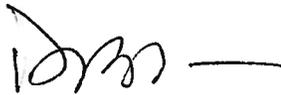
Since the proposed sanction is appropriate, given the restrictions on the respondent's ability to practice law in Pennsylvania, New York and New Jersey, the Board will honor that proposal. As the respondent is currently under our July 25, 2012, order of suspension, we will deem the respondent's suspension to have commenced on that date.

ORDER: The Board hereby indefinitely suspends the respondent from practice before the Board, the Immigration Courts, and the DHS.

FURTHER ORDER: The respondent is instructed to maintain compliance with the directives set forth in our prior order. The respondent is also instructed to notify the Board of any further disciplinary action against him.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(2012). *See* 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. 8 C.F.R. § 1003.105(d)(2)(2012). *See* 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012).



FOR THE BOARD